

01-03-06

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Philip Berardi
Serial No. : 10/692,481
Filing Date : October 23, 2003
Examiner : Alfred J. Wujciak
Art Unit : 3632
Confirmation No.: 1998
Docket No. : 418-27-002
Title : MOUNT FOR STAGE APPARATUS

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL
OF REQUEST FOR WITHDRAWAL OF ATTORNEY OR AGENT

Sir:

Submitted herewith is a "Request For Withdrawal As Attorney or Agent and Change of Correspondence Address" pursuant to 37 C.F.R. 10.40(c), including the supporting Declaration of Richard S. Koppel, a member of the law firm of Koppel, Jacobs, Patrick & Heybl, Customer No. 23935, presently representing the inventor, Philip Berardi.

The inventor's last known address is:

Philip Berardi
3529 Old Conejo Road
Thousand Oaks, CA 91359

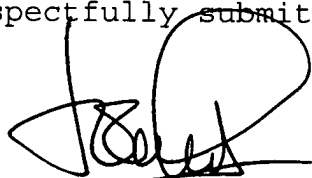
Copies of this transmittal and accompanying request were mailed to Mr. Berardi on December 29, 2005, at the above address by first class mail, postage prepaid.

Application Serial No. 10/692,481
Transmittal of Request For
Withdrawal of Attorney or Agent

Approval of the accompanying request is respectfully solicited.

The Commissioner is hereby authorized to charge any fees to Deposit Account No. 11-1580. A duplicate copy of this transmittal form is enclosed.

Respectfully submitted,



Dated: December 29, 2005

By:

Louis A. Mok
Registration No. 22,585

Attachments

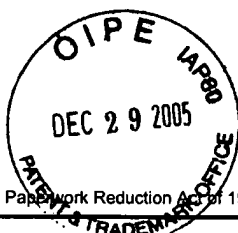
KOPPEL, JACOBS, PATRICK & HEYBL
555 St Charles Drive, Suite 107
Thousand Oaks, CA 91360
Phone (805) 373-0060
Fax (805) 373-0051

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, Express Mail Label EV460182540US, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

12-29-05
Date


Eleanor Nakada



PTO/SB/83 (04-05)

Approved for use through 11/30/2005. OMB 0651-0035

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR WITHDRAWAL
AS ATTORNEY OR AGENT
AND CHANGE OF
CORRESPONDENCE ADDRESS**

Application Number	10/692,481
Filing Date	October 23, 2003
First Named Inventor	Philip Berardi
Art Unit	3632
Examiner Name	Alfred J. Wujciak
Attorney Docket Number	418-27-002

**To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Please withdraw me as attorney or agent for the above identified patent application, and

- ☐ all the attorneys/agents of record.
- ☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- ☒ the attorneys/agents associated with Customer Number

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: 37 C.F.R. 10.40(c)(1)(iv) and (vi); supporting Declaration of Richard s. Koppel attached.

CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☒ Change the correspondence address and direct all future correspondence to:

☐ The address associated with Customer Number: **OR**

<input checked="" type="checkbox"/> Firm or Individual Name	Philip Berardi		
Address	3529 Old Conejo Road		
City	Thousand Oaks	State	CA
		Zip	91359
Country	US		
Telephone			Email
Signature			
Name	Louis A. Mok	Registration No.	22,585
Date	December 29, 2005	Telephone No.	(805) 373-0060

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Philip Berardi
Serial No. : 10/692,481
Filing Date : October 23, 2003
Examiner : Alfred J. Wujciak
Art Unit : 3632
Confirmation No. : 1998
Docket No. : 418-27-002
Title : MOUNT FOR STAGE APPARATUS

Applicant : Philip Berardi
Serial No. : 10/692,557
Filing Date : October 23, 2003
Examiner : Amy Jo Sterling
Art Unit : 3632
Confirmation No. : 5888
Docket No. : I008-P03169US (now 418-27-003)
Title : SUPPORT EXTENSION FOR STAGE APPARATUS

Applicant : Philip Berardi
Serial No. : 11/056,834
Filing Date : February 10, 2005
Examiner : Alvin C. Chin Shue
Art Unit : 3634
Confirmation No. : 3604
Docket No. : 418-27-004
Title : LADDER HAZARD ALERT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION IN SUPPORT OF REQUEST FOR
WITHDRAWAL AS ATTORNEY OR AGENT (37 C.F.R. §10.40(c))**

I, Richard S. Koppel, state as follows:

1. I am an attorney at law, admitted to practice in the State of California, a partner in the law firm of Koppel, Jacobs, Patrick & Heybl, and a registered patent attorney, Registration No. 26,475. I am one of the attorneys associated with Customer No. 23935, designated on the Powers of Attorney in the subject applications.

2. This Declaration is in support of a request for withdrawal as attorney or agent on the grounds that (1) the conduct of the inventor renders it unreasonably difficult for the practitioner to carry out the employment effectively (37 C.F.R. §10.40(c)(1)(iv)) and (2) for failure to pay one or more bills rendered by the practitioner for an unreasonable period of time (37 C.F.R. §10.40(c)(1)(vi)).

Application Serial Nos. 10/692,481,
10/692,557, and 11/056,834
Declaration In Support of
Withdrawal As Attorney or Agent

3. Our client is Industry Advanced Technologies ("IAT"); our sole contact in connection with the subject applications has been with Mr. Berardi, who I believe is an officer of IAT.

4. Since as early as September 1, 2005, IAT has been, and continues to be, indebted to our firm in amounts that now total \$4,597.83 in connection with work on the aforementioned applications as well as other matters, as indicated on the attached Exhibit A. The amount due has not been paid despite statements by Mr. Berardi to me that it would be paid.

5. I have been attempting since before December 21, 2005 to discuss with Mr. Berardi a number of matters in connection with the subject applications including due dates, the preparation of a continuation-in-part application of subject applications Serial Nos. 10/692,481 and 10/692,557, and unpaid invoices.

6. On December 21, 2005, I reached Mr. Berardi by phone in the morning. He said he was in a meeting and would call me back later that day. Since in the past I have not always heard back from Mr. Berardi, I sent him an e-mail summarizing the matters I wanted to discuss (copy attached as Exhibit B). Mr. Berardi did not call back so I called him again toward the end of the day on December 21, 2005. He said he had not read my e-mail yet but would read it and call me the next day.

7. Mr. Berardi failed to call the next day, December 22, 2005. I called him and reached him about 4:45 p.m. He said he was in the middle of receiving some equipment and would call me back later the same day or the next day.

8. I received no call from Mr. Berardi later on December 22, 2005 or on the next day, December 23, 2005. I called him in the afternoon but only got his voice mail.

9. In light of the foregoing, there is no point in our firm continuing to represent the inventor in connection with the subject patent applications.

10. We have taken reasonable steps to avoid foreseeable prejudice to the rights of the client, including giving due notice to the client as evidenced by my December 21, 2005 e-mail, allowing time for employment of another practitioner.

Application Serial Nos. 10/692,481,
10/692,557, and 11/056,834
Declaration In Support of
Withdrawal As Attorney or Agent

11. Specifically in connection with Application Serial No. 10/692,557, an issue fee is due January 31, 2006, as mentioned in my December 21, 2005 e-mail. As further indicated therein, we stand ready to pay that fee subject to advance payment by the client of the government fee (\$1,000.00) at least one week prior to the deadline. We have asked for such an advance in light of the client's failure to pay our invoices since at least as early as September 1, 2005.

12. In connection with Serial No. 10/692,481, an amendment after final was submitted on November 10, 2005; an action by the PTO is awaited.

13. In connection with Serial No. 11/056,834, no action has yet been received from the PTO.

14. We stand ready to deliver to the client all papers and property to which the client is entitled.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the applications or any patents issued thereon.

Dated: 12/28/05 By: Richard S. Koppert
Richard S. Koppert
Registration No. 26,475

12/19/2005
12:32 PM

KOPPEL, JACOBS, PATRICK & HEYBL
Unpaid Invoices

Page 1

Selection Criteria

Dock Classification Open
Invo. Paid In Full No
Dock Selection Include: 418; 418-07-001; 418-27-002; 418-27-003; 418-27-004; 418-27-005; 418-27-006;
418-27-007; 418-27-008; 418-27-009; 418-27-010; 418-27-011; 418-XX-999; 418-ZZ-999

Docket	ID	Date Invoice #	Billed	Paid/Adj.:	Due
<u>Date: September 2005</u>					
418-07-001	17834	9/1/2005 G:15787	833.00	0.00	833.00
418-27-002	17836	9/1/2005 G:15788	130.00	0.00	130.00
418-27-003	17837	9/1/2005 G:15789	1269.00	0.00	1269.00
418-27-004	17838	9/1/2005 G:15790	558.00	0.00	558.00
418-XX-999	17835	9/1/2005 G:15791	244.40	0.00	244.40
Total: September 2005			3034.40	0.00	3034.40
<u>Date: October 2005</u>					
418-07-001	20011	10/3/2005 G:16312	78.00	0.00	78.00
Total: October 2005			78.00	0.00	78.00
<u>Date: November 2005</u>					
418-07-001	21319	11/1/2005 G:16641	312.00	0.00	312.00
418-27-002	21320	11/1/2005 G:16642	208.00	0.00	208.00
Total: November 2005			520.00	0.00	520.00
<u>Date: December 2005</u>					
418-27-002	23124	12/1/2005 G:17211	751.50	0.00	751.50
418-27-003	23125	12/1/2005 G:17212	52.00	0.00	52.00
418-27-008	23126	12/1/2005 G:17213	52.00	0.00	52.00
418-XX-999	23123	12/1/2005 G:17214	109.93	0.00	109.93
Total: December 2005			965.43	0.00	965.43
Grand Total			4597.83	0.00	4597.83

EXHIBIT A

Lou Mok

From: Richard Koppel
Sent: Wednesday, December 21, 2005 11:15 AM
To: 'mail@industryadvanced.com'
Cc: Lou Mok; Jaye G. Heybl
Subject: Patent Work

ATTN: PHIL BERARDI

Hi Phil. I've left you a few phone messages but hadn't heard back. When I did reach you this morning you were in a meeting and requested that we talk later today. This e-mail will summarize the items I wanted to go over on the phone. I look forward to your calling me back after your meeting today.

I sense strongly that you are not satisfied with our relationship. Since we do not wish to continue a relationship in which not all participants are comfortable, and also in view of our unpaid billing to IAT in the amount of \$4,597.83 (most of which dates back to our Sept. 1 invoice, despite your statement last month that it would be paid), we would decline to enter into any additional projects with IAT. However, we have committed to prepare a CIP application, and we will honor this subject to your cooperation. You told Lou Mok, who will prepare the application, that you wanted to include additional material that had not previously been disclosed to us. We have not yet received this material, and cannot prepare the application you want until you get it to Lou along with any explanations or further information he feels is necessary. A date of Feb. 1 to have the application ready for filing was discussed. For us to meet this date, you need to very promptly provide Lou with a full disclosure of the additional material he wants, and also commit to a prompt review of the draft CIP application and cooperation with Lou in reaching final language.

Subject to your cooperation we will prepare the application ready for filing. You can then either file the application yourself or we will do it, but it will not include a power of attorney to our firm. Thereafter you can attend to the application's prosecution yourself or through other attorneys. We would also want you to sign revocations of powers of attorney to us in the pending applications.

A Notice of Allowance dated Oct. 31, 2005 for your pending Serial No. 10/692,557 has previously been reported to you. The non-extendable deadline to pay the issue fee of \$1,000 and file the necessary issue papers is Jan. 31, 2006. If these actions are not taken the application will go abandoned. We will attend to them subject to your forwarding advance payment of the \$1,000 government fee to us at least one week prior to the deadline. If you attend to them yourself or through another attorney, please let us know.

In connection with Serial No. 10/692,481 I am attending to filing a statement of the substance of an Examiner interview I had, and will forward a copy of the statement to you shortly. This was simply a non-substantive confirmation that the Examiner had received an Office action response from us.

Please keep in mind that, for any inventions that are not yet covered by filed patent applications, there are strict time limits for filing an application. In the U.S., the application must be filed not later than one year after the earlier of the following: (1) offering the invention for sale in the U.S., (2) publicly using the invention in the U.S., or (3) publishing the invention anywhere in the world. If you wish to preserve the right to file foreign patent applications, although there are some variations from country to country, in general your U.S. application should be filed before the invention is published or publicly used anywhere, without the one year grace period provided by the U.S.

Please let me know if you have any questions on any of this.

Best regards,

Rick

Richard S. Koppel
Koppel, Jacobs, Patrick & Heybl
555 St. Charles Drive, Suite 107
Thousand Oaks, CA 91360
(805) 373-0060

EXHIBIT B